

The opinion in support of the decision being  
entered today is not binding precedent of the Board.

Paper 16

Filed by: Trial Section Merits Panel  
Box Interference  
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Filed: May 2, 2002

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

IZUMU SAITO, YUMI KANEGAE  
and MICHIO NAKAI

Junior Party,  
Patent 5,700,470

v.

AVENTIS PHARMA S.A.

Senior Party  
Application 08/397,225

Patent Interference No. 104,819 (CAS)

MAILED

MAY 2 - 2002

PAT. & T.M. OFFICE  
BOARD OF PATENT APPEALS  
AND INTERFERENCES

Before: SCHAFER, TORCZON and SPIEGEL, Administrative Patent Judges.

SPIEGEL, Administrative Patent Judge.

**JUDGMENT PURSUANT TO 37 CFR § 1.662(a)**

"Pursuant to 37 C.F.R. § 1.662(a), the party Saito hereby abandons the contest  
as to Count 1 and claims 1-6 corresponding thereto" (Paper 15). Therefore, it is

ORDERED that judgment on priority as to Count 1 (Paper 1, p. 5), the sole count  
in the interference, is awarded against junior party IZUMU SAITO, YUMI KANEGAE

FURTHER ORDERED that junior party IZUMU SAITO, YUMI KANEGAE and MICHIO NAKAI is not entitled to a patent containing claims 1-6 (corresponding to Count 1) of Saito U.S. Patent 5,700,470, issued December 23, 1997, based on application 08/615,048, filed March 12, 1996;

FURTHER ORDERED that if there is a settlement agreement which has not been filed, attention is directed to 35 U.S.C. § 135(c) and 37 CFR § 1.661; and

  
RICHARD E. SCHAFFER  
Administrative Patent Judge

  
RICHARD TORCZON  
Administrative Patent Judge

*Carol A. Spiegel*  
CAROL A. SPIEGEL  
Administrative Patent Judge

# BOARD OF PATENT APPEALS AND INTERFERENCES

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